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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re.reissue application of |) | Attny Docket No. |
| Nally, et al. |) | 81001_REX |
| Serial No. 09/374,041 |) | |
| Filing Date: August 13, 1999 |) | |
| For: U.S. Patent No. 5,598,525 |) | |
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| |) | |
| In re reexamination application of |) | |
| Nally, et al. |) | |
| Reexamination Processing |) | |
| Control No. 90/005,471 |) | |
| Filing Date: August 13, 1999 |) | |
| For: U.S. Patent No. 5,598,525 |) | |
| |) | |

**PETITION UNDER 37 C.F.R. § 1.183 TO WAVE THE REQUIREMENTS OF
37 C.F.R. § 1.125(D) AND 37 C.F.R. § 1.173(A)(1)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified merged reissue/reexamination proceedings resulted in a request by the Examiner to provide a clean copy of the specification which incorporated the Certificate of Correction changes. See the office action mailed August 31, 2001. A substitute specification was filed on September 17, 2001, which was not entered "because a substitute specification is not permitted in a reissue application or in a reexamination proceeding under 37 C.F.R. § 1.125(d)." See page 3 of the office action dated August 11, 2005.

Accordingly, applicants respectfully request that the provisions of 37 C.F.R. § 1.125(d) and 37 C.F.R. § 1.173(a)(1) be waived to the extent that the substitute specification submitted in a response to the office action of August 11, 2005, filed concurrently with this petition, be accepted and entered into the file as requested by the Examiner.

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10/19/2005 HDEMESS1 00000036 09374041

01 FC:1462 270.00 DA 130.00 DP



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An extraordinary situation exists because of the large number of Certificate of Correction changes that were made. Justice requires the entry of the substitute specification since the substitute specification was required by the Examiner and since its entry will facilitate the process of publication of the final application and save the USPTO work in the long run.

Accordingly, applicants respectfully requests that the provisions be waived as requested and that the substitute specification requested by the Examiner be entered. A petition fee of \$130.00 is submitted by credit card authorization attached hereto.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,

David L. Stewart

Telephone No. 321-725-4760

Reg. No. 37,578

Customer No. 27975

Attachment: credit card authorization



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner Of Patents And Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of October, 2005.

Walter Ferguson